IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPLICATION NO.4 OF 2000

The Commissioner of Customs ..Applicant.

V/s.

M/s.Cosper Impex Pvt. Ltd. ..Respondent.

Mr.P.S. Jetly with Y.R.Mishra for applicant.

None for respondent.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 15TH JUNE, 2006.

P.C. :-

Heard the learned counsel for the revenue. None for the respondent. The Tribunal while reducing the quantum of fine and penalty observed as under :-

" As regards the penalty we have carefully considered the submissions of the Ld.Advocate. The Commissioner in the order has observed that the present importers had earlier also imported similar consignments. They were therefore supposed to know that such goods required a licence. Shri Balani points out the submissions of the importers reproduced in the orders, that earlier also the importers had cleared such goods on the strength of transferred licences. Certain individuals, had concerned such licences, making them unavailable to the market. He stated that it was the importers misfortune that they were not in possession of a valid licence. Shri Suman submits that there is excess weight of about 8%. Shri Balani submits that

due to the fragile nature of the goods, it was customary on the part of the vendors to supply marginally excess quantities. On consideration of the totality of the facts and submission, we find at there is a scope for remission in the quantum of penalty.

The Tribunal, in view of the above findings for the reasons recorded, has exercised discretion while reducing the quantum of fine and penalty; which was well within the jurisdiction of the Tribunal. The view recorded by the Tribunal is a reasonanble and possible view and we do not see any reason to interfere with the said finding. No substantial question of law warranting adjudication by this Court is raised or involved.

The application is thus dismissed in limine with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)